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OFFICE OF PETITIONS

AT&T CORP
ROOM 2A207
ONE AT&T WAY
BEDMINSTER NJ 07921

In re Application of	:	
Matthew J. Sherman	:	
Application No. 10/086,534	:	ON PETITION
Filed: March 4, 2002	:	
Attorney Docket No. 2685/5866	:	

This is a decision on the petition to revive under 37 CFR 1.137(a), filed October 17, 2008.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed September 27, 2007. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on December 28, 2007. The Office mailed a Notice of Abandonment on June 5, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (2).

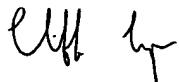
The petition fee required for a petition to revive is required for the filing, not merely the grant, of the petition.¹ Accordingly, before the petition can even be considered on the merits, applicant must submit the petition fee in full, currently \$540 for a small entity. The Office only received \$510. No authorization to charge any additional fees to a deposit account was found. Effective October 2, 2008, the fee for a petition to revive under 37 CFR 1.137(a) was increased to \$540. Accordingly, on request for reconsideration, petitioner must submit the \$30 due for the petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ See MPEP 711.03(c)(II)(B).